IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 20769 of 2007(V)

PETITIONERS:

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1. V.D.PORINCHU, S/O.DEVASSEY,
   VADAKKETHALA CHAKKANATH HOUSE, CHETTUPUZHA P.O.,
   THRISSUR DISTRICT, PIN-680 621.

2. V.L.RITHA, W/O.DEVASSEY.
   VADAKKETHALA CHAKKANATH HOUSE, CHETTUPUZHA P.O.,
   THRISSUR DISTRICT, PIN-680 621.

BY ADV. SRI.P.N.RAVINDRAN

RESPONDENTS:

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1. THE SALES TAX OFFICER, II CIRCLE,
   THRISSUR.

2. CANARA BANK, OLLUR BRANCH, OLLUR P.O.,
   THRISSUR DISTRICT, REPRESENTED BY ITS BRANCH
   MANAGER.

3. THE SPECIAL TAHSILDAR, REVENUE RECOVERY,
   THRISSUR.

4. THE VILLAGE OFFICER, PULLAZHI VILLAGE,
   OLARI P.O., THRISSUR DISTRICT.

R1,R3 & R4 BY G.P. SRI. C.K. GOVINDAN
R2 BY ADV. SRI.P.GOPINATH MENON, SC, CANARA BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ASSIGNMENT DEED DATED 15.11.1989 REGISTERED AS DOCUMENT NO. 3681 OF 1989 OF THE SUB REGISTRY, AYYANTHOLE.

EXT.P2 TRUE COPY OF THE RECEIPT DATED 29.11.2006 EVIDENCING PAYMENT OF BASIC TAX FOR THE YEAR 2006-07 IN RESPECT OF THE PROPERTY COVERED BY EXT.P1

EXT.P3 TRUE COPY OF THE RECEIPT DATED 30.9.2006 EVIDENCING PAYMENT OF PROPERTY TAX IN RESPECT OF THE RESIDENTIAL BUILDING BELONGING TO THE PETITIONERS.

EXT.P4 STRUE COPY OF THE MARRIAGE INVITATION CARD SENT OUT BY THE PETITIONERS TO THEIR FRIENDS AND RELATIVES ON THE OCCASSION OF THE MARRIAGE OF THEIR SON JOSHY FRANCIS.

EXT.P5 TRUE COPY OF THE MARRIAGE INVITATION CARD SENT OUT BY MRS. & MR. O.L. ANTONY TO THEIR FRIENDS AND RELATIVES ON THE OCCASION OF THE MARRIAGE OF THEIR DAUGHTER BINDU TO PETITIONER'S SON JOSHY FRANCIS.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 20769 OF 2007

Dated this the 6th day of September, 2007

JUDGMENT

Petitioners are challenging recovery proceedings without making the defaulter a party and without even producing RR notices. Recovery has to be against defaulter and guarantors and against their assets. Since W.P. filed is incomplete in all respects, W.P. is closed leaving freedom to the petitioner to approach this Court again if they have any specific grievance.

(C.N.RAMACHANDRAN NAIR)
Judge